UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,395	01/12/2001	Charilaos Christopoulos	040000-844	9141

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EXAMINER
OSMAN, RAMY M

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	09/758,395	CHRISTOPOULOS ET AL.
Office Action Summary	Examiner	Art Unit
	Ramy M Osman	2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 August 2004</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>48-68</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>48-68</u> is/are rejected.

7)☒ Claim(s) <u>48,50,53,65 and 67</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This communication is in response to amendment filed on 8/20/2004. Claims 1-47 were

cancelled. New claims 48-68 are pending.

Claim Objections

2.   Claims objected to because of the following informalities:

3.   Change line 7 of claim 48 from ":" to ";".

4.   Change line 3 of claim 50, from ";" to ",".

5.   Change line 4 of claim 53, from "terminal capabilities;" to "terminal capabilities,".

6.   Change line 3 of claim 65, from ":" to ";".

7.   Change line 2 of claim 67, from "," to ".".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

8.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9.   Claims 48 and 58 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention:

-     Line 3 of the claim states "initiating a multimedia application" but fails to indicate

    who is initiating and how it is initiated.

- Lines 4 and 5 state "said multimedia application and multimedia data", whereas there is insufficient antecedent basis for the limitation "multimedia data" in this claim. The word said seems to apply to both elements.

- The language of lines 6 and 7 fails to indicate if the communication is a three-way communication between the terminal, the data and the application; or if it is a two-way communication with the terminal in communication with the data and application; or if the terminal and data is in communication with the application.

10.   Claims 49 and 59 rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The claim states "transmitting the commands" but fails to indicate where the commands are transmitted to.

The claims also recite the limitation "each set of operations" in line 2 of the claims. There is insufficient antecedent basis for this limitation in the claims.

11.   Claim 56 rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The term "cost" is not clear as to whether it is meant to be a monetary cost or a cost which means an effort to do something.

Claim Rejections - 35 USC § 102

12.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13.   Claims 48,49,58 and 59 rejected under 35 U.S.C. 102(e) as being anticipated by Austin

(US Patent No 6,157,924).

14.   In reference to claims 48 and 58, Austin teaches a method and a multimedia system for

providing an intelligent multimedia services environment in a network, comprising the steps of:

        initiating a multimedia application (column 2 lines 41-63 and column 7 lines 25-50,

Austin discloses accessing a webpage);

        simultaneously sharing and manipulating said multimedia application and multimedia

data by one or more end user terminal devices (column 2 lines 41-63 and column 6 lines 20-35,

Austin discloses multiple clients accessing a server and manipulating data);

        providing communication between said one or more end user terminal devices and said

multimedia data and said multimedia application (column 2 lines 41-63, column 8 lines 1-7 and

column 12 lines 28-40, Austin discloses communication between clients, data and application);

        utilizing one or more databases containing said multimedia data (column 10 lines 45-55

and column 13 lines 20-30, a database is inherent in the teachings of Austin in order to store the

information that is to be retrieved);

        determining preferences of each of said one or more end user terminal devices; and

automatically adapting said multimedia data to satisfy said determined preferences of each of

said one or more end user terminal devices prior to sending said adapted multimedia data to a

receiving end user terminal device (column 2 lines 41-63, column 12 lines 28-40 and column 13

lines 20-30, Austin discloses client preferences and adapting said data prior to sending it to the

client device).

15.   In reference to claims 49 and 59, Austin teaches the method and multimedia system

respectively of Claims 48 and 58 above, further comprising the step of transmitting commands

defining each set of operations and manipulations in said shared multimedia data between end

user terminal devices (column 2 lines 41-63, Austin discloses transmitting request with profile

defining data manipulation).

Claim Rejections - 35 USC § 103

16.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

17.   Claims 50-57 and 60-68 rejected under 35 U.S.C. 103(a) as being unpatentable over

Austin (US Patent No 6,157,924) in view of Bhagwat et al (US Patent No 6,563,517).

18.   In reference to claims 50 and 60, Austin teaches the method and multimedia system

respectively of Claims 48 and 58 above, wherein said determined preferences of said one or

more end user terminal devices include user preferences (column 2 lines 41-63).

Austin fails to explicitly teach wherein the preferences include terminal capabilities and

network capabilities. However, Bhagwat teaches modifying data based on client and network

capabilities to optimize data access by different client types.(Summary, column 4 lines 60-67 and

claim 1).

It would have been obvious for one of ordinary skill in the art to modify Austin by

making the preferences include terminal capabilities and network capabilities as per the

teachings of Bhagwat to optimize data access by different client types.

19.   In reference to claims 51, Austin teaches the method of Claim 50 above, further

comprising the step of sharing device preferences of each of said end user terminal devices with

all connected said end user terminal devices (column 2 lines 30-37).

20.   In reference to claims 52, Austin teaches the method of Claim 51 above, further

comprising the step of storing said user preferences, terminal capabilities and network

capabilities at a Universal Resource Locator (URL) address (column 2 lines 30-50, column 5 line

60 – column 6 line 15 and column 8 lines 1-7).

21.   In reference to claims 53,61 and 66, Austin teaches the method and multimedia system

respectively of Claims 52 and 58 above, further comprising the steps of:

identifying a multimedia data set stored in said one or more data bases (column 10 lines

45-55 and column 13 lines 20-30, a database is inherent in the teachings of Austin in order to

store the information that is to be retrieved);

Austin fails to explicitly teach utilizing a transcoder/scalability service to modify said

multimedia data set according to said user preferences, terminal capabilities, and network

capabilities; and making said modified multimedia data set available to one or more end user

terminal devices. However, Bhagwat teaches transcoding/scaling data according to client

preferences, terminal and network capabilities so it can be available for multiple clients for the

purpose of optimizing data access by multiple client types (Summary and claim 1).

It would have been obvious for one of ordinary skill in the art to modify Austin by

utilizing a transcoder/scalability service to modify said multimedia data set according to said

user preferences, terminal capabilities, and network capabilities; and making said modified

multimedia data set available to one or more end user terminal devices as per the teachings of

Bhagwat to optimize data access by different client types.

22.   In reference to claims 54,56 and 62, Austin teaches the method and multimedia system

respectively of Claims 53 and 61 above. Austin fails to explicitly teach wherein the method

further comprises the steps of: scaling said modified multimedia data set according to one or

more significance values associated with each element of said modified multimedia data set; and

encoding said modified multimedia set according to said terminal capabilities and

communication connection capabilities. However, Bhagwat teaches transcoding/scaling data

according to client preferences, terminal and network capabilities so it can be available for

multiple clients for the purpose of optimizing data access by multiple client types (Summary and

claim 1).

It would have been obvious for one of ordinary skill in the art to modify Austin by

utilizing a transcoder/scalability service to modify said multimedia data set according to said

user preferences, terminal capabilities, and network capabilities; and making said modified

multimedia data set available to one or more end user terminal devices as per the teachings of

Bhagwat to optimize data access by different client types.

23.   In reference to claims 55 and 65, Austin teaches the method and multimedia system

respectively of Claims 53 and 58 above. Austin fails to explicitly teach wherein said multimedia

data set comprises one of, or a combination of two or more: a still image; one or more regions of

interest of said still image; a cropped portion of said still image; a video object; and a segment of

said video object. However, Bhagwat teaches modifying image data for the purpose of

optimizing data access by multiple client types (column 7 lines 15-55).

It would have been obvious for one of ordinary skill in the art to modify Austin by

wherein said multimedia data set comprises one of, or a combination of two or more: a still

image; one or more regions of interest of said still image; a cropped portion of said still image; a

video object; and a segment of said video object as per the teachings of Bhagwat to optimize

image data access by different client types.

24.   In reference to claims 57, Austin teaches the method of Claim 53 above. Austin fails to

explicitly teach wherein said terminal capabilities include: a level of resolution and an amount

of processing power associated with each of said one or more end user terminal devices

connected to said multimedia data set. However, Bhagwat teaches resolution levels and client

capabilities for accessing multimedia data (column 4 lines 60-67 and column 5 lines 30-67).

It would have been obvious for one of ordinary skill in the art to modify Austin by

wherein said terminal capabilities include: a level of resolution and an amount of processing

power associated with each of said one or more end user terminal devices connected to said

multimedia data set as per the teachings of Bhagwat to optimize image data access by different

client types.

25.   In reference to claims 63,64,67 and 68, Austin teaches the multimedia system of Claims

58 and 61 above. Austin fails to explicitly teach wherein said transcoder is associated with a

server; a gateway device; transcoder service comprises a transcoder for encoding; and server

comprises a multipoint controller. However, Bhagwat teaches a proxy server providing

transcoding services for encoding the data for the purpose of optimizing data access by multiple

client types (column 2 line 55 – column 3 line 22). A gateway device is an obvious variation of a

server and is well-known in the art.

It would have been obvious for one of ordinary skill in the art to modify Austin by

wherein said transcoder is associated with a server; a gateway device; transcoder service

comprises a transcoder for encoding; and server comprises a multipoint controller as per the

teachings of Bhagwat to optimize image data access by different client types.

Response to Amendment

26.   Examiner acknowledges amendment filed on 8/20/2004. Claims 1-47 were cancelled, and

new claims 48-68 were added.

Response to Arguments

27.   Applicant's arguments with respect to claims 48-68 have been considered but are moot in

view of the new ground(s) of rejection.

28.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ramy M Osman whose telephone number is (571) 272-4008.

The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO
November 24, 2004

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